



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/341,109

07/17/2001

Alfred Eckert

AP8899

4753

52203

7590

11/27/2006

CONTINENTAL TEVES, INC.
ONE CONTINENTAL DRIVE
AUBURN HILLLS, MI 48326-1581

EXAMINER

ARTHUR JEANGLAUD, GERTRUDE

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/341,109

Applicant(s)

ECKERT ET AL.

Examiner

Gertrude Arthur-Jeanglaude

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 138-179 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 138-179 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Claim Rejections - 35 USC § 112

Claims 138-179 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 138 recites the limitation "the vehicle actuators" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim 139 recites the limitation " the smallest value" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 142 recites the limitation "the temporal changes" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 143 recites the limitation "the pedal positions" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 147 recites the limitation "the motor vehicle actuators" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim 148 recites the limitation "the smallest acceleration value" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 151 recites the limitation "the pedal positions" and "the driver" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim 153 recites the limitation "the signals" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 154 recites the limitation "the temporal changes of the weightings" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claim 156 recites the limitation "the absolute speed" in line 5 and "the vehicle torque" in lines 6-7. There is insufficient antecedent basis for this limitation in the claim.

Claim 163 recites the limitations "the motor vehicle speed, the engine speed, the throttle opening angle, the transmission gear ratio" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

Claim 164 recites the limitation "the nominal engine torque, the transmission gear ratio" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

Claim 165 recites the limitation "the pressure, the input variable" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claim 166 recites the limitation "the nominal motor vehicle torque, the nominal motor vehicle acceleration, the vehicle mass, the wheel radius" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claim 167 recites the limitation "the estimated speed" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 168 recites the limitation "the nominal motor vehicle torque" in line 9; and "the acceleration and the deceleration" in line 11-12. There is insufficient antecedent basis for this limitation in the claim.

Claim 176 recites the limitation "the motor vehicle speed, the engine speed, the throttle opening angle, the transmission gear ratio, the drive torque" in lines 2-4. There is insufficient antecedent basis for this limitation in the claim.

Claim 177 recites the limitation "the nominal engine torque, the transmission gear ratio, the drive torque" in lines 2-4. There is insufficient antecedent basis for this limitation in the claim.

Claim 178 recites the limitation "the pressure" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 179 recites the limitation "the nominal torque vehicle torque, the vehicle mass, the wheel radius" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claims 140-141, 144-146, 149-150, 152, 155, 157-162, 169-175, are also rejected for incorporating the deficiencies of their base claim.

Response to Arguments

Applicant's arguments with respect to claims 138-179 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gertrude Arthur-Jeanglaude whose telephone number is (571) 272-6954. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3661

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Gertrude A. Jeanglaude
Primary Examiner
AU 3661